

TAB

15 May 1956

MEMORANDUM FOR THE RECORD

**SUBJECT: Building - Transfer of 60 Foot Right-of-Way from
National Parks Service**

1. H. S. Chandler telephoned me this morning to advise that the reason National Parks Service is hesitant to transfer this land to us at the present time is because of the view earlier expressed by their Solicitor, Judge Knox, that this land was not subject to the Federal Property Act of 1949. The relevant provision is Section 3(d) which excludes from property controlled by GSA "lands dedicated for national forest or national park purposes." Judge Knox mentioned this question earlier, but I thought I had dissuaded him from pursuing it further.

2. I telephoned Joseph Moody, Assistant General Counsel, PBS, with whom I had discussed the question earlier. At his suggestion, I made an appointment with Ralph Luttrell, Chief, Condemnation Division, Department of Justice. This afternoon (14 May) Moody and I spoke with Luttrell at his office. Also present was one of Luttrell's subordinates, Claude Mix.

3. The position I presented was as follows: Although the strip along the river, Parcel One of the 1936 Deed, was clearly dedicated for the parkway, Parcel Two (the 60 foot right-of-way) was conveyed in the Deed of Gift only for the convenience of the Leiter heirs themselves. The deed provides that should a parkway be constructed along Parcel One, the driveway through Parcel Two will be connected therewith in order to give access from the parkway to the remaining Leiter property. Since the balance of that property was acquired by the U. S. Government by Deed of Purchase in 1940, the Government has acquired whatever rights may exist.

This right-of-way was intended to give private access to the parkway and not public access; it was never dedicated for any park or parkway purpose. After some initial opposition this view was accepted by the two Justice representatives. They are, of course, in no position to give a formal opinion.

4. Moody expressed his general desire to cooperate and in a case such as this, where the answer seems to turn on a technical interpretation of the statute, to favor that interpretation which accomplishes the desired results. I asked if that meant he would favor the transfer as we had requested. He stated that he could not dictate to the National Parks Service but that if the Parks Service were willing to release the property he would be willing to accept it, assuming there was nothing in GSA policy to the contrary (a matter on which he will check).

5. The position now is that if Judge Knox can be induced to accept this interpretation and release the property, GSA will accept the property and transfer it to us. I have an appointment with Judge Knox Tuesday morning, 15 May.

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Assistant General Counsel

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OGC [redacted]

cc: OGC chrono
signer

Orig: subject-Building & Grounds